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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/909,340	08/11/1997	JERRY WALTER MALCOLM	AT9-97-314	1469

7590 11/21/2002

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[REDACTED] EXAMINER

RUDY, ANDREW J

[REDACTED] ART UNIT

[REDACTED] PAPER NUMBER

3627

DATE MAILED: 11/21/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

## **DETAILED ACTION**

1. Claims 1, 4-6, 8, 11, 15, 18, 21, 23, 25 and 26 are pending. Claims 2, 3, 5-7, 10, 12-14, 16, 17, 19, 20, 22 and 24 were cancelled pursuant to the 09 September 2002 Amendment.

### ***Drawings***

2. The proposed drawing correction and/or the proposed substitute sheets of drawings, filed on 09 September 2002 have been disapproved. A proper drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The correction to the drawings will not be held in abeyance.

### ***Response to Amendment***

3. The reply filed on 09 September 2002 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): Applicant has not corrected the drawings to incorporate the features recited from Paper No. 19 mailed 29 May 2002. See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which

to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

4. Applicant's comments regarding claim 4 are convincing. Applicant's comments regarding claims 8, 11, 15, 18, 21, 25 and 26 are not convincing. Applicant may easily correct these, and other, errors by simply labeling the drawings so as to allow the ready association of the specification in juxtaposition with the drawings. For example, in claim 15 where are the first and second instructions presented in the claims clearly labeled in the drawings? Also, from claim 18 where are the third instructions presented in the claims? Applicant is advised to review the entire body of the claim language in relationship with the drawings and make sure each feature is depicted adequately in order to overcome this objection. Correction may be as simple in one instance as labeling the "association means" as such in the drawings in order to provide the requisite clarity. Public policy dictates such. Both the US Patent Examiners, and other individuals who may someday search this document if it is issued, may not readily ascertain what is being claimed in juxtaposition to the drawings as presently before the United States Patent & Trademark Office (USPTO).

***Claim Rejections - 35 USC § 101***

6. Applicant is advised that the issue of 35 USC 101 will be formally raised if Applicant determines to further prosecute the present Application. Present USPTO Office policy will dictate such an action with regards to some of the claims, e.g. claim 1, in order to forward prosecution. The Examiner is cognizant of the prosecution history of the present Application and the resultant concerns and issues that are raised regarding the extended prosecution thereof.

***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Joseph Rudy whose telephone number is 703-308-7808. The examiner can normally be reached on Tuesday thru Friday, 7:30 a.m until 6 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Robert Olszewski can be reached on (703) 308-5183. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

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November 20, 2002

